At public meetings held throughout 2010 and 2011, the Interagency Working Group on Environmental Justice received a number of comments and questions from community representatives. Below are responses from HUD staff to questions relevant to HUD's mission and activities.

Comment: Federal and state agencies often fail to agree. Humans have a right to a healthy community. The government seems to be occupied with BP oil spill to the exclusion of other matters.

Comment: How will integration of asthma programs allow states and local programs to put their hands on resources and continue to do the work that they do now?

Response: HUD knows that stable, healthy housing is inextricably tied to individual health and has made improving health outcomes a priority in its Strategic Plan. Improving health outcomes starts by increasing health knowledge and access to health services. Strategies HUD is committed to pursuing in 2010-2015 include: Increasing information about and access to health services, including veterans' health benefits, through partnerships with health organizations and healthcare delivery systems; increasing coordination of HUD programs with healthcare resources administered by other federal, state, and local programs; providing physical space to co-locate healthcare and wellness services with housing (for example, onsite health clinics); and promoting housing management practices that protect the health of residents (for example, smoking cessation, pest management, and green cleaning).

HUD's Office of Healthy Homes and Lead Hazard Control administers lead hazard and healthy homes programs, enforces lead paint regulations, and sets policies to reduce health and safety hazards in housing. Its comprehensive approach to healthy homes takes into account a variety of hazards in the home that can affect health, especially the presence of lead; these hazards often disproportionately impact EJ communities.

Health is embedded in many other HUD programs as well. For instance, a goal of the Choice Neighborhoods program is to convert some of the worst of the nation's public housing into higher-quality, mixed-income, mixed-tenure developments. The vision is to help communities transform into walkable neighborhoods with amenities and health services that allow residents to lead healthier lives. The Housing Choice Voucher program allows recipients of HUD assistance the mobility and freedom to choose the neighborhood they live in, allowing some people to leave neighborhoods that were less healthy, from a stress, safety, or walkability standpoint, to one that is more healthy.

Comment: Importance of not just what needs to be done but who is doing the work. Agencies should ensure that money goes into communities for getting contracts and creating jobs.

Comment: "Unbundle" federal contracts and give more work to local businesses and non-profit groups.

Comment: Collaborate with businesses to provide jobs.

Comment: Award federal contracts to small businesses and local firms.

Response: Small businesses are the foundation of the U.S. economy as they create two out of three new jobs in the US; and the SBA reports that half the people who work in America, own or work for a small business and there are 28 million small businesses in the US – that employ 60 million people.

HUD is providing business opportunities for small business in a variety of ways, more significantly through programs like Neighborhood Stabilization, green retrofits, further enforcement of **Section III** and the creation of the **Section III business registry**.

NSP has a proven record of job creation and it will support an estimated 88,000 jobs by the time the funding is fully spent.

In partnership with the Department of Energy, HUD and DOE have conducted green retrofits to well over 1.1 million homes of units. Much of the work has been done by small business contractors. In fact, according to the Energy Future Coalition, 91 percent of the firms involved in retrofits are actually small businesses. Insulation, for example, is installed by more than 22,000 firms, 85 percent of which employ less than 20 people. Roofing insulation is installed by nearly 20,000 contractors around the country, 88 percent of which employ less than 20 people.

The <u>Section III</u> program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods. By further enforcing Section III, HUD is ensuring that local jobs are going to local individuals and small businesses who need them. In November of 2011, HUD launched the <u>Section III business registry</u> in five pilot cities.

Comment: Educate communities on planning and zoning.

Comment: Promote more "balanced zoning" to address excess of similar businesses (e.g., liquor stores, gas stations, etc.).

Response: Land use and zoning decisions are made by local jurisdictions; HUD does not set zoning standards or impose zoning requirements. Through the Sustainable Communities Initiative (SCI), HUD provides funding to stimulate more integrated and sophisticated regional planning to guide state, metropolitan, and local investments in land use, transportation and housing, as well as to challenge localities to undertake zoning and land use reforms. This work has been supported through HUD's Regional Planning and the Community Challenge Grant Programs.

The Sustainable Communities Regional Planning Grant Program supports metropolitan and multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of: (1) economic competitiveness and revitalization; (2) social equity, inclusion, and access to opportunity; (3) energy use and climate change; and (4) public health and environmental impact.

The Community Challenge Planning Grant Program is competitively awarded to state, local and tribal governments for efforts such as amending or replacing local master plans, zoning and building codes to promote mixed-use development, building more affordable housing, and the rehabilitation of older buildings and structures with the goal of promoting sustainability at the local and neighborhood levels.

HUD and EPA have joined together to provide capacity-building for recipients of these grants. The capacity-building component helps grantees and those communities with **preferred sustainability status** improve their planning efforts and be trained in cutting edge techniques for public engagement, data analysis and planning.

Comment: Several stakeholders asked the agency representatives how they planned to address language barriers with affected communities. One referred to outreach to the Vietnamese community as "non-existent" and urged agencies to improve their communication in the African American, Latino, Asian, and Cajun communities, beginning with understanding their respective cultures and reaching out using each specific language.

Comment: When meeting with community stakeholders, agencies need to ensure that translators are present so that language differences do not become a barrier to communication.

Response: HUD's General Section states: Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)". Executive Order 13166 seeks to improve access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency. Applicants obtaining federal financial assistance from HUD shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD published Final Guidance to Federal Financial Assistance Recipients: Tile, VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). For assistance and information regarding LEP obligations, go to http://www.justice.gov/crt/lep/guidance/HUD_guidance_Jan07.pdf. For more information on LEP, please visit

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep.

In addition, more than 100 vital HUD documents have been translated into 15 different languages to serve persons who are limited English proficient so they may have equal access to HUD programs, services, and activities. HUD's Office of Fair Housing and Equal Opportunity also has a language phone lines that provide oral language interpretations 24-hours a day, 7 days a week to help persons who are limited English proficient to file fair housing complaints.

HUD recently awarded \$649,000 to seven local community organizations. These awards support local organizations serving diverse communities across the country that will help ensure persons who are limited English proficient have access to information in their native languages on HUD housing, programs, services, and activities.

Comment: Focus on rural communities, in addition to ones in metropolitan areas.

Response:

Several HUD programs specifically target rural areas. HUD's **Rural Innovation Fund**, which built on the Rural Housing and Economic Development (RHED) program, fosters the development of innovative ways to tackle the unique challenges rural areas face and to address the problems of concentrated rural housing distress and community poverty. Recipients have included federally recognized Indian tribes, state housing finance agencies (HFAs), state community development agencies, local rural non-profit organizations, community development corporations, and consortia of such entities. In addition, HUD's Regional Planning Grant program and the joint HUD-Transportation TIGER II/Community Challenge Grant program, both run by HUD's Office of Sustainable Housing and Communities (OSHC), specifically target rural communities.

Beyond targeted efforts to alleviate housing and development issues in rural America, HUD serves families in small towns and rural communities through almost every major program it funds. The State Community Development Block Grant (CDBG) program provides approximately \$840 million to rural areas, supporting over 8,500 direct jobs, providing needed infrastructure, economic development, and affordable housing. HUD also funds over \$500 million in rural areas for affordable housing and homeownership programs through its HOME Investment Partnership program, directly supporting over 4,300 jobs.

In addition, HUD and the Department of Agriculture meet regularly through an interagency rental housing policy group to better align and coordinate the affordable rental housing programs each operates. Altogether, over 800,000 families in rural communities are directly assisted through the HCVP, Public Housing, and Multifamily programs, with another 450,000 assisted through USDA.

For homeowners, HUD's Federal Housing Administration (FHA) helps first-time homebuyers and other qualified families all over the country purchase their own home. More than 1.5 million of the homes currently insured by the FHA are in rural areas. HUD recognizes the unique challenges in these rural areas, and continues to develop innovative, community-based programming to meet those needs.

Comment: IWG strategies need to factor in climate adaptation and mitigation.

Response: Please see *The United States Department of Housing and Urban Development Policy Statement for Climate Change Adaptation*, which can be found at: http://portal.hud.gov/hudportal/documents/huddoc?id=ClimateAdptnStmnt060311.pdf.

Comment: Faith-based organizations are a missed opportunity if we don't continue to work closely with them. They are in the best position to reach the maximum number of community stakeholders.

Response: HUD's Center for Faith-Based and Neighborhood Partnerships serves as a resource center for secular and faith-based non-profit organizations seeking to partner with HUD to address the housing and community development needs of the neighborhoods in which they operate. The Center builds partnerships and serves as a liaison between the grassroots and federal government, ensuring that groups have the latest information about HUD opportunities and programs as well as other federal resources available to their communities. The Center also convenes outside partners, practitioners and organizations

from the non-profit and faith communities along with policy makers and government officials to more effectively identify and meet the needs of some of the nation's most vulnerable citizens.

Comment: Reach out to universities for support and help.

Response: In 1994 HUD established the Office of University Partnerships (OUP) in an effort to encourage and expand the growing number of partnerships formed between colleges and universities and their communities. OUP recognizes the crucial role these collaborations and partnerships play in addressing local problems and revitalizing our nation's communities. Additionally, colleges and universities are making future generations aware of these issues by integrating partnership activities into their academic studies and student activities.

OUP strives to support and increase these collaborative efforts through grants, interactive conferences, and research that help achieve the Office's three primary goals: 1) Provide funding opportunities to colleges and universities to implement community activities, revitalize neighborhoods, address economic development and housing issues, and encourage partnerships. 2) Create a dialogue between colleges and universities and communities to gain knowledge and support of partnership activities and opportunities as well as connect them to other potential partners and resources. 3) Assist in producing the next generation of urban scholars and professionals who are focused on housing and community development issues.

Comment: First time home buyers need simplified rules to purchase homes, a simplified application and assistance process, and a one-stop shop for housing purchase assistance.

Response: The Real Estate Settlement Procedures Act (RESPA) insures that consumers throughout the nation are provided with more helpful information about the cost of the mortgage settlement and protected from unnecessarily high settlement charges caused by certain abusive practices. The most recent RESPA Rule makes obtaining mortgage financing clearer and, ultimately, cheaper for consumers.

Effective July 21, 2011, the Real Estate Settlement Procedures Act (RESPA) will be administered and enforced by the Consumer Financial Protection Bureau (CFPB). If you are a consumer with a question or complaint related to your mortgage or mortgage servicer, please contact the CFPB's Consumer Response team at 855-411-2372 (855-729-2372 TTY/TDD), or by fax number 855-237-2392, or click **here**.

In addition, HUD sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. Search online for a **housing counseling agency** near you, or call HUD's interactive voice system at: (800) 569-4287.

Comment: Incorporate community feedback into grant process.

Comment: More effort needs to be made to make sure that grants are going to communities and not to large institutions who then come to the communities to do the work for them without fair compensation, if any at all. If grants go to communities then more of an effort needs to be made to verify that

communities have actually been involved in developing the proposal and not just listed in the proposal as a targeted constituency.

Comment: Stakeholders asked why local fishermen were not aware of available government funds. Then there was a comment that local officials in Biloxi were misusing allocated funds (e.g., building a new library instead of rebuilding the infrastructure in affected communities).

Comment: We are interested in telling the stories of the voices that are not being heard. We want to find out how we can work with the federal government to identify who it is that we need to talk with to try and resolve problems within the communities that we are working.

Comment: Ensure that sustainable communities will include residents and their advocates.

Response (from hud.gov): Citizen engagement is important for the success of HUD programs. HUD's Community Development Block Grant Entitlement Communities Program requires that its grantees develop and follow a detailed plan which provides for, and encourages, citizen participation and which emphasizes participation by persons of low- or moderate-income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must: provide citizens with reasonable and timely access to local meetings, information, and records related to the grantee's proposed and actual use of funds; provide for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance; provide for timely written answers to written complaints and grievances; and identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

In addition, public engagement and community outreach, including engagement by traditionally marginalized populations, have been encouraged through HUD's Sustainable Communities grant programs. Fiscal Year 2011 Regional Planning and Community Challenge grantees are required to dedicate specified portions of their budget to activities that deepen the engagement, participation, and governance of populations traditionally marginalized in regional planning processes. Recipients of HUD Regional Planning and Community Challenge Grants continue to build innovative partnerships that engage regional planning entities, local jurisdictions, and community-based organizations committed to engaging populations that frequently are left out of these pivotal planning conversations. For example, Regional Planning grantees support the development and implementation of Regional Plans for Sustainable Development (RPSD) that engage residents and other stakeholders substantively and meaningfully in the development of the shared vision and its implementation early and throughout the process, including communities traditionally marginalized from such processes, while accommodating limited English speakers, persons with disabilities, and the elderly.

[Will provide information for individuals to comment on specific NOFAs.]

Comment: Revitalize abandoned buildings.

Response: HUD's Neighborhood Stabilization Program (NSP) has invested \$7 billion to help localities work with non-profits and CDCs to turn tens of thousands of abandoned and foreclosed homes that drag down property values into homeownership opportunities and the affordable rental housing communities need.

There have been three rounds of NSP funding. NSP1provides grants to all states and selected local governments on a formula basis. NSP2 provides grants to states, local governments, nonprofits and a consortium of nonprofit entities on a competitive basis. The Recovery Act also authorized HUD to establish NSP-TA, a \$50 million allocation made available to national and local technical assistance providers to support NSP grantees. NSP3 provides neighborhood stabilization grants to all states and select governments on a formula basis. Through the purchase and redevelopment of foreclosed and abandoned homes and residential properties, the goal of the program is being realized.

In addition, several of HUD's Community Challenge grantees are developing plans to reduce the number of abandoned and vacant properties in their communities. For example, the District of Columbia Department of Housing and Community Development is using a HUD Community Challenge grant to increase the number of affordable rental units through the acquisition of vacant and blighted properties for use as rental housing.

Comment: Educate communities on the difference between historic and old buildings, so that they can identify historic preservation opportunities.

Response: Congress made the Federal Government a full partner in historic preservation with passage of the National Historic Preservation Act in 1966. As amended in 1992, Section 110 of the Act calls for, among other things, Federal agencies to establish preservation programs, commensurate with their mission and the effects of their activities on historic properties, that provide broadly for careful consideration of historic properties.

HUD and governments which assume responsibility for administering environmental HUD environmental laws must comply with historic preservation review requirements found in <u>Section 106 of the National</u> Historic Preservation Review Act

The Advisory Council on Historic Preservation issues regulations implement The Historic Preservation Act. HUD assistance must comply with the <u>ACHP Regulations</u>.

Comment: What is the relationship between EPA and HUD in addressing environmental issues in public housing? A recycling project was done at Grant Houses, which was very successful, but not enough attention was given to it by either agency.

Response: On October 16, 2009, HUD released a notice, PIH-2009-43 (HA), encouraging the use of renewable energy and green construction practices in public housing. Through the notice, HUD "strongly encourages Public Housing Agencies (PHAs) to use solar, wind, geothermal/ground coupled heat pumps and other renewable energy sources, and other 'green' construction and rehabilitation techniques whenever they procure for maintenance, construction, or modernization."

It explains that "[p]roperly incorporating green building techniques supports the goals of the President's National Energy Policy by reducing the burden of public housing energy costs while increasing comfort and reducing health risks to public housing residents, and [minimizing] life-cycle costs."

Green building incorporates low impact development, energy efficient system integration, recycling and waste management, water conservation and efficiency, and good indoor air quality throughout the entire lifetime of a building, including its planning, design, construction, renovation, and demolition. The advantages of green building include, but are not limited to: lower utility bills, better indoor environmental quality, higher resale values, preservation of natural resources, less reliance on fossil fuels and reduced greenhouse gas emissions, and durability of building materials and structures.

With regards to a particular recycling project, residents should raise concerns with the housing authority to identify specific actions regarding the program's future.

[FYI- I am awaiting updates on a more general comment about green infrastructure that will go explain more about our other energy efficiency initiatives.]

Comment: Older adults (65+) are a priority population, and they have the second highest hospitalization rate in the state (MA). As a growing population they need a lot more help.

Response: HUD's Section 202 program helps expand the supply of affordable housing with supportive services for the elderly. It provides very low-income elderly with options that allow them to live independently but in an environment that provides support activities such as cleaning, cooking, transportation, etc.

Comment: One of the key issues is the destruction of the Nation's public housing stock, and asked about HUD's approach when the local authority wants to demolish facilities.

Response: Although demolition/disposition activity has always been permitted, HUD and its business partners have begun to actively pursue it as a management strategy option in the last ten years. This is due to the realization that some developments have difficulties associated not only with physical deterioration, but also with the overall deterioration of the surrounding community. It is also true that a large portion of the housing now being proposed for demolition/disposition was built in the late 1940s and early 1950s, and was built to a standard that is no longer acceptable for the general public. Developments meeting that description have very often become the housing of last resort within their communities.

Public Housing Agencies (PHAs) may decide to demolish or dispose of an entire development, or a portion of a development, for a variety of reasons. Click **here** for more information.

With regards to including residents and advocates in sustainable communities, implementing sustainable communities approaches not only meets current demand for homes in the grantee neighborhoods, but also positions communities to meet future needs and market conditions. For example, ensuring equitable development helps communities retain young people, attract new residents, and lift the standard of living for low-income residents.

Comment: A request for commitments from each agency member.

Response (from hud.gov): On September 30, 2011, HUD published for public comment a draft Environmental Justice Strategy for 2012 through 2015. HUD is committed to meeting the goals of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which states that each federal agency, with the law as its guide, should make environmental justice part of its mission. In this regard, HUD has developed its Environmental Justice Strategy (EJ Strategy). HUD's EJ Strategy is a four-year plan to address environmental justice concerns and increase access to environmental benefits through HUD policies, programs, and activities. To read the strategy, click here.

Comment: Federal agencies need to work better with non-profits. More grants to non-profits.

Response: HUD works with non-profits directly and indirectly through a variety of programs. HUD's Office of Community Planning and Development (CPD) works with non-profits directly, as grantees through the competitive round of Neighborhood Stabilization Program (NSP) funding, competitive homeless programs, the competitive Housing Opportunities for People with AIDS (HOPWA) program, and as part of the 15% set aside of HOME funds to Community Housing Development Organizations (CHDOs). CPD funds non-profits indirectly as subrecipients of HOME, Community Development Block Grant, NSP, the formula homeless programs, and the formula HOPWA program. HUD's Office of Sustainable Housing and Communities (OSHC) Regional Planning Grant Program requires that applicants be a consortium of stakeholders that includes non-profit partners. In addition, HUD works with many non-profit organizations to provide technical assistance to grantees of HUD programs. The Federal Housing Administration also works with non-profits looking to purchase homes at a discount, with lower downpayment requirements, and to provide secondary financing to FHA-insured mortgages.

Comment: Silos: As you revise your strategies or in some cases come up with a strategy for the first time, identify specific issues where it is absolutely necessary to cooperate with other agencies and include that in the strategy. Include within the implementation of that strategy some metric to measure how well you are cooperating and coordinating with those agencies.

Comment: Agencies should build into procedural scheduling the ability to stay closely in touch with the NEJAC, including having some presence possibly at their meetings twice a year. Agencies need to work together in the communities, and the states need to see that at the environmental level, at the public health level, and in at the agricultural level.

Response: The *Interagency Collaborations* section of HUD's 2012-2015 Environmental Justice Strategy identifies several ways in which HUD is working with other federal partners to address EJ issues. HUD is also one of more than 17 Federal agencies and White House offices currently working together on the Interagency Working Group on Environmental Justice (EJ IWG) to guide, support, and enhance federal environmental justice and community-based activities. In addition, since 2009, the U.S. Department of

Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA) have been collaborating via the Partnership for Sustainable Communities, which works to help communities nationwide improve access to affordable housing, increase transportation options, and lower transportation costs while protecting the environment. In 2010, the Partnership established Team EJ, a working group to examine the intersection of sustainable communities and environmental justice.

Comment: What qualifies a community as being a distressed community? Allegedly there are all kinds of assistance if you are a distressed community. HUD shouldn't be using zip codes to determine what is a distressed community.

Response: The term "distressed community" is not a formal designation used by HUD, but it is sometimes used to describe areas that have received funding from HUD programs. For example, between 1994 and 2001, communities and targeted areas within communities that met certain criteria were designated as Empowerment Zones/Enterprise Communities/Renewal Communities. Through a partnership between HUD and the Internal Revenue Service, these communities were provided tax incentive packages as a tool to stimulate job creation and retention and business investment in buildings and equipment. No new communities have been designated since 2001.

More recently, areas that have received grants from HUD's Neighborhood Stabilization Program (NSP) are often described as "distressed" because of the severe impact the foreclosure crisis has had on their communities. To date, three rounds of NSP funding have been authorized; two rounds that awarded funds based on a formula and one competitive round. In the NSP program, grantees choose their own target areas to maximize the impact the funds can have on stabilizing communities, but 25% of all funds must be spent to assist families who earn 50% or less of the median income for that area.

In general, HUD relies on data from the United States Census at the tract, block group, and block level, rather than zip codes, when analyzing data that informs funding decisions.

Comment: Provide more flexibility in (weatherization) funding.

Response: HUD works in partnership with the Department of Energy to provide weatherization funding for public, Indian, and other federally assisted housing. In addition, grantees and subrecipients of HUD's Community Development Block Grant funds have flexibility to allot their annual funds to provide weatherization assistance for eligible homes and homeowners.

Comment: There is a lingering concern that federal agencies aren't really serving communities.

Response: HUD's mission is to create strong, sustainable, inclusive communities and quality, affordable homes for all. The Department's 2010-2015 Strategic Plan includes a renewed, reinvigorated focus on communities and implementing place-based policies and programs. HUD seeks to ensure—through comprehensive community development, strategic planning, enforcement, and enhanced capacity

building—that all communities are livable for residents and viable in the long term. With the new Choice Neighborhoods initiative and the Office of Sustainable Housing and Communities linking housing to schools, jobs, and affordable transportation, HUD is recognizing that improving the quality of neighborhoods, cities, and metropolitan areas is essential to a successful housing policy. In addition, HUD is working to take energy- and transportation-efficient mortgage products to scale that lower the barriers to consumers who want to upgrade their home's energy efficiency or buy homes near jobs, transportation, and schools. In addition, by providing the clearer expectations, additional guidance, and increased support to our cities and suburbs, HUD will ensure communities meet their obligations to affirmatively further fair housing.